BILL NO. 83

Private Member's Bill

1st Session, 60th General Assembly
Nova Scotia
55 Elizabeth II, 2006

An Act to Amend Chapter 246 of the Revised Statutes, 1989, the Labour Standards Code, to Provide Employees with a Rest or Eating Break

CHAPTER 32
ACTS OF 2006

AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
NOVEMBER 23, 2006

Keith Colwell
Preston

Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly

An Act to Amend Chapter 246 of the Revised Statutes, 1989, the Labour Standards Code, to Provide Employees with a Rest or Eating Break

Be it enacted by the Governor and Assembly as follows:

1 Chapter 246 of the Revised Statutes, 1989, the *Labour Standards Code*, is amended by adding immediately after Section 66A the following Section:

66B (1) An employee is entitled to a rest or eating break of at least one-half hour at intervals such that as a result no employee is required to work longer than five consecutive hours without a rest or eating break.

(2) Notwithstanding subsection (1), where an employee works more than ten consecutive hours, the employee is entitled to at least one rest or eating break of at least one-half hour and other rest or eating breaks totalling at least one-half hour for each five consecutive hours of work.

(3) Subsections (1) and (2) do not apply

(a) where an accident occurs, urgent work is necessary or unforeseeable or unpreventable circumstances occur;

(b) where it is unreasonable for an employee to take a meal break;

(c) to an employee whose terms of employment are determined by a collective agreement; or

(d) in any other case prescribed by the regulations.

(4) Where it is necessary for medical reasons, an employee is entitled to a rest or eating break at a time or times other than when provided by subsection (1) or (2).

(5) Where an employee has worked five hours and has not been provided a rest or eating break, the employee is entitled to eat while working.

(6) The Governor in Council may make regulations prescribing cases where subsections (1) or (2) do not apply.

(7) The exercise by the Governor in Council of the authority contained in subsection (6) is regulations within the meaning of the *Regulations Act*.

2 Subsection 67(1) of Chapter 246 is amended by adding "or a rest or eating break in accordance with Section 66B" **immediately after "66" in the fourth line.**

3 Clause 68(2)(d) of Chapter 246 is repealed and the following clauses substituted:

(d) hotels;

(da) restaurants, except where an employee is not operating cooking equipment and where safety training on all equipment and adequate supervision is provided and the person is at least fourteen years of age;

4 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.